who has paid an innocent holder of a draft upon which an indorsement in the holder's chain of title is forged, seem sufficiently distinguished by the suggestion that the holder's right really arises from subrogation to the rights of the true owner. The ingenious case put on page 158 does not convince us that subrogation is not the true ground of recovery. If the question were fully argued, it is perhaps not certain that a recovery would be allowed, and if allowed, it would only indicate that the wife had a right, though deprived of a remedy for reasons of public policy, and that the drawee, not suffering under any difficulty as to remedy, was allowed to enforce the right. The direct enforcement of an equitable right as if it were a legal right is no novelty in the law of negotiable paper. Again, the criticism on page 38 of *Taylor* v. *Hare* and similar cases denying a recovery of license fees paid for the use of a patented invention on the patent proving invalid, does not seem to us merited. Every one who deals with patents knows the possibility of their being subsequently held invalid. It is something of which the licensee may fairly be said to run the risk. He prefers to pay a license fee rather than contest the patent, and he gets what he pays for. The case put by way of illustration on the same page of a man paying rent for his own land is obviously not in point. In that case the defendant is a disseisor, a tort-feasor, and is liable as such to account for the rents. The plaintiff is, therefore, entitled to recover the rents received by the defendant whether paid by himself or a third person.

But however we may differ occasionally from the author's views, we feel sure that no one can fail to admire the close, logical reasoning that supports them. We venture to predict that this book will be for many years the recognized authority on the subject with which it deals, and we shall be disappointed if it does not exert a noticeable influence towards uniformity of decision. S. W.

A TREATISE ON THE LAW OF INSURANCE (excepting Marine Insurance). By Arthur Biddle, M.A. Philadelphia: Kay and Brother, 1893. 2 vols. pp. civ, 649; 764.

This is a thorough, exhaustive, and well arranged and digested treatise upon its subject. Practically all decisions relevant to insurance are included; they are put where they belong, and a capacious index furnishes a ready guide. The arrangement, by its scientific classification of the subject, furnishes firm ground for the propositions advanced, and presents them in logical order. "Books," "Parts," "Chapters," "Divisions," and "Sections" bring one finally to the propositions determined by the cases. The order of the arrangement is that of time, and carefully follows out the course of the contract of insurance from its inception between the parties to the final verdict for damages.

The general practitioner and the insurance lawyer will find the book a very valuable aid in the labor of collecting and preparing authorities. But together with many of the text-books which daily come from the press, it has one serious fault. Beyond the orderly arrangement which leads a lawyer to the cases which he wishes, there is nothing. Little, if any, criticism of cases is inserted, and upon the development of the law of insurance, its reason for being, and its possibilities, we are given no assistance. Cases contradictory in result are regularly condensed and put side by side in the text without a suggestion that either is wrong, or an

offer of any ground upon which to distinguish them. Rarely (as in secs. 523, 1291) we get a brief, pleasant mention of the author's views; but when (in section 1032) we are referred to a "discussion" of the effect of fraud on the avoidance of a contract, we find only a dry statement of some decisions. The book may, therefore, be contrasted, to its disadvantage, with those which do attempt to explain the law. It is nevertheless good of its kind, and a monument of hard, conscientious, in its way fruitful labor. It is no contribution to the advancement of the law, but it ought to be of assistance to any practising lawyer. R. W. H.

THE MARK IN EUROPE AND AMERICA. A Review of the Discussion on Early English Land Tenure. By Enoch A. Bryan, A.M., President of Vincennes University, Indiana. Boston: Ginn & Co., 1893, pp. vi, 164.

This little book, the author says in the preface, was written during a year of rest from his regular duties and while investigating the subject at Harvard University. It is an examination of the theory of the Germanic mark and of the earlier and later evidence adduced in support of that theory. The author calls attention to the fact that the advocates of State ownership of land look upon the theory of the mark as affording an historical basis for their scheme, and that it may in the future play an important part in practical politics. The review of the evidence is impartial, but President Bryan seems on the whole disposed to agree with such destructive critics as Fustel de Coulanges and Seebohm in attributing a comparatively small influence to the mark in the development of our present institutions. The book is pleasantly written in a simple style, and will put the general reader in possession of the principal facts and the different views relating to the mark. It contains an index and a list of the authorities referred to. G. R.

COMPARATIVE ADMINISTRATIVE LAW. An Analysis of the Administrative Systems, National and Local, of the United States, England, France, and Germany. By Frank J. Goodnow, A.M., LL.B. 2 vols. New York: G. P. Putnam's Sons, 1893. For sale by W. B. Clarke & Co.

The author has done a great service to jurists. His definition of the subject as "that part of the public law which governs the organization and action of the administrative power in the government" is sufficient to indicate its importance.

As a supplement to constitutional law, the book is very valuable for its analysis, classification, and historical summary, and not the less so from the fact that it is purely empirical rather than speculative.

Professor Goodnow has scientifically distinguished his subject from other closely related branches of the law, and points out that a recognition of this distinction would have prevented such a decision as that in the Dartmouth College Case. A chapter particularly thoughtful is that which contains an examination into the nature of the powers inherent in each department of government; but the main purpose of the book, the comparison of the administrative systems of the four countries, is what constitutes its chief merit. C. P. H.